

Exhibit 161

United States of America ex rel. Ven-a-Care of the Florida Keys, Inc. v. Boehringer Ingelheim Corp. et al.
Civil Action No. 07-10248-PBS

Exhibit to the July 24, 2009, Declaration of James J. Fauci
In Support of Plaintiff's Motion for Partial Summary Judgment and
In Opposition to the Roxane Defendants' Motion For Partial Summary Judgment

From: WATERER, JUDY ROXUS <waterer@boehringer-ingelheim.com>
Sent: Friday, October 1, 1999 9:08 AM
To: Murphy, Thomas BICLE <TMurphy@cle.boehringer-ingelheim.com>
Cc: Pera, Tony BICLE <TPera@cle.boehringer-ingelheim.com>
Subject: FW:

FYI

-----Original Message-----

From: Tom Via [SMTP:tomvia@mindspring.com]
Sent: Thursday, September 30, 1999 3:37 PM
To: jwaterer@col.boehringer-ingelheim.com
Cc: jpowers@col.boehringer-ingelheim.com; rfeldman@col.boehringer-ingelheim.com; rsykora@col.boehringer-ingelheim.com
Subject:

Judy,

To follow-up our discussion from this morning regarding Our (John Powers was with me)visit to Novation.

RLI Action Steps

1) John will review impact of raising price 10% for Novation on the RLI product, this would go into effect with the standard 30 day notice. Purpose is to increase the spread between NovaPlus and RLI labeled product, providing greater incentive toutilize the Plus brand.

2) I am ordering an Excell Spreadsheet for all purchases of NovaPlus label to wholesalers by DC form initiation of program through September 30, 1999. Purpose is to provide Novation with hard data to use in their discussions with the wholesalers at their quarterly reviews, scheduled October 14 & 15.

3) I will speak with Rich re:extra days dating for a second wholesaler load in, as we discussed they asked for 60 but you would like to extend no more than an extra 30.

Novation Action Steps

1) John Korte, Director of Distribution Services for Novation, is going to contact the wholesalers and request each DC to order sufficient quantities to support the product.

2) John Korte is going to re-send the auto-sub request to his corporate contacts with each of the whoelsalers. This will also be discussed at the quarterly business review meetings.

3) As mentioned above this item will be a key area of discussion with the wholesalers at the quarterly business reviews. Novation is concerned about the lack of support, not only for IBUDV but for planned private label launches and want to make certain the wholesalers are going to support this program. Additionally, there is a NovaPlus vendors meeting at the end of October and we have be scheduled to meet with each of the wholesalers to address this issue on an individual basis (format will be; RLI, Novation and Wholesaler).

4) Ross Day, Sr. Manager NovaPlus, is running some reports for

analysis. The first will determine to what extent Dey Labs has cut separate contracts for their IBUDV and at what price. The other reports are two different target lists, one will show, in descending order, the member institutions purchasing RLI label product and the other will show the members who are purchasing the Dey product. Once I have this data I will forward to you, John Powers and Tom Murphy at Bedford to be used as a target list for the recently re-instituted RLI promotion by the Bedford sales force.

5) Susan Norvell is resending the launch package to the membership via the "Hot Sheet" to their members this Friday to try and expand the knowledge regarding the availability of the product.

I will work with Susan & Ross to develop a new forecast as soon as possible, as it stands now I believe we should stand by the revised forecast (at least until Friday after they have had a chance to contact all of the wholesalers). This is the action plan that is going to be used to increase the use of NovaPlus IBUDV, I will keep you posted as things develop.

TV